

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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BAKERY AND CONFECTIONERY UNION
AND INDUSTRIAL PENSION FUND and
BOARD OF TRUSTEES OF THE BAKERY AND
CONFECTIONERY UNION AND INDUSTRY
INTERNATIONAL PENSION FUND,

ORDER

09-cv-3068 (ADS)(WDW)

Plaintiffs,

-against-

MT. ROSE RAVIOLI & MACARONI CO., INC.,

Defendant.

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APPEARANCES:

Bredhoff & Kaiser, P.L.L.C.

Attorneys for the plaintiffs

805 15th St, NW

10th Floor

Washington, DC 20005

By: Julia P. Clark, Esq.,

Patricia McConnell, Esq., of Counsel

NO APPEARANCE:

Mt. Rose Ravioli & Macaroni Co., Inc.

SPATT, District Judge.

The Plaintiffs commenced this action on or about July 17, 2009, asserting claims against the Defendant pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended. On September 21, 2011, the Court entered a default judgment against the Defendants, and referred the matter to United States Magistrate Judge William D. Wall for an inquest as to damages, appropriate injunctive relief, appropriate attorney's fees, and costs. On November 10, 2011, Judge Wall issued a thorough Report recommending that the Plaintiffs be awarded

damages in the amount of: (1) \$71,009.97 in withdrawal liability pursuant to 29 U.S.C. § 1132(g)(2)(A) and 29 U.S.C. § 1381 *et seq.*; (2) \$8,654.34 in interest through October 1, 2011 pursuant to 29 U.S.C. § 1132(g)(2)(B); (3) \$7,100.99 in liquidated damages pursuant to 29 U.S.C. § 1132(g)(2)(C); and (4) \$6,415.50 in legal fees and \$350 in costs pursuant to 29 U.S.C. § 1132(g)(2)(D), for a total award of \$93,530.80. To date, no objection has been filed to Judge Wall's Report and Recommendation.

In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Wall's Report and finds it be persuasive and without any legal or factual errors. There being no objection to Judge Wall's Report, the Court adopts the Report.

For the foregoing reasons, it is hereby:

ORDERED that Judge Wall's Report and Recommendation is adopted in its entirety, and it is further

ORDERED that the Clerk of the Court is directed to enter a default judgment against the defendants in the amount recommended by Judge Wall; and it is further

ORDERED that the Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
December 6, 2011

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge